

Edgar R. Cataxinos (7162)
Joseph A. Walkowski (5366)
H. Dickson Burton (4004)
TRASKBRITT, P.C.
P.O. Box 2550
230 South 500 East, Suite 300
Salt Lake City, Utah 84110
Tel: (801) 532-1922
Fax: (801) 531-9168

William G. Gaede, III (*pro hac vice*)
MCDERMOTT WILL & EMERY LLP
wgaede@mwe.com
275 Middlefield Road, Suite 100
Menlo Park, CA 94025
Tel: (650) 815-7400
Fax: (650) 815-7401

Attorneys for Defendant

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DIVISION**

UNIVERSITY OF UTAH RESEARCH
FOUNDATION, a Utah nonprofit
corporation; the TRUSTEES OF THE
UNIVERSITY OF PENNSYLVANIA, a
Pennsylvania nonprofit corporation; HSC
RESEARCH AND DEVELOPMENT
LIMITED PARTNERSHIP, a Canadian
limited partnership organized under the laws
of the Province of Ontario;
ENDORECHERCHE, INC., a Canadian
corporation organized under the laws
of the Province of Quebec; and MYRIAD
GENETICS, INC., a Delaware corporation;

Plaintiffs,

vs.

AMBRY GENETICS CORPORATION,

Defendant.

**DECLARATION OF WILLIAM G.
GAEDE, III IN SUPPORT OF
DEFENDANT AMBRY GENETIC
CORPORATION'S OPPOSITION TO
PLAINTIFF'S MOTION FOR
RECONSIDERATION OF THE
COURT'S ORDER GRANTING
DEFENDANT AMBRY GENETIC
CORPORATION'S MOTION TO
EXTEND THE TIME PERIOD TO
RESPOND TO PLAINTIFF'S MOTION
FOR PRELIMINARY INJUNCTION**

CASE No. 2:13-CV-00640-RJS

Judge: Robert J. Shelby

I, William G. Gaede, III, declare as follows:

1. I am a partner with McDermott Will & Emery LLP and counsel of record for Ambry Genetics Corporation (“Ambry”) in the above-captioned matter. I have knowledge of the following, and if called as a witness, could and would testify competently to the contents herein.

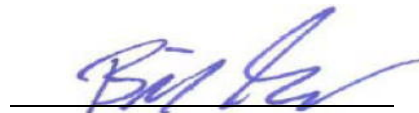
2. Attached hereto as Exhibit 1 is a true and correct copy of a letter from the American Society for Clinical Pathology to the U.S. Patent & Trademark Office (“USPTO”), dated February 16, 2012, providing the American Society for Clinical Pathology’s written comments regarding the harm caused by gene patenting, including by Myriad’s gene patenting. The letter was submitted in response the USPTO’s Request for Comments and Notice of Public Hearings on Genetic Diagnostic Testing, Fed. Reg. Vol. 77, No. 16, January 25, 2012.

3. Attached hereto as Exhibit 2 is a true and correct copy of the article, “After Patent Ruling, Availability of Gene Tests Could Broaden,” by Andrew Pollack, published in the New York Times on June 13, 2013. The article describes the effect of the Supreme Court ruling in *Association for Molecular Pathology v. Myriad Genetics, Inc.*, 133 S. Ct. 2107 (June 13, 2013) (“AMP v. Myriad”), including that “[t]he ruling in effect ends a nearly two-decade monopoly by Myriad Genetics, the company at the center of the case.”

4. Attached hereto as Exhibit 3 is a true and correct copy of the article, “You can’t patent human genes. So why are genetic testing companies getting sued?” by Timothy B. Lee, published in the Wonkblog of the Washington Post on July 12, 2013.

I declare under penalty of perjury under the laws of the United States of America and the State of Utah that the foregoing is true and correct.

EXECUTED this 22nd day of July, 2013 at Menlo Park, California.



William G. Gaede, III

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 22nd day of July, 2013, a true and correct copy of the foregoing was electronically filed with the Clerk of the Court and delivered by CM/ECF and by the method(s) indicated below to the following:

David G. Mangum

Email: dmangum@parsonsbehle.com

C. Kevin Spears

Email: ecf@parsonsbehle.com

Kristine E. Johnson

Email: ecf@parsonsbehle.com

Michael R. McCarthy

Email: ecf@parsonsbehle.com

PARSONS BEHLE & LATIMER

201 S MAIN ST STE 1800

PO BOX 45898

SALT LAKE CITY, UT 84145-0898

Tele: (801) 532-1234

<u> X </u>	ECF Delivery
<u> </u>	United States Mail
<u> </u>	Federal Express
<u> X </u>	Email

/s/ Edgar R. Cataxinos

Edgar R. Cataxinos

Joseph A. Walkowski

H. Dickson Burton

TRASKBRITT, PC

230 South 500 East, Suite 300

Salt Lake City, Utah 84110

Attorneys for Defendant